

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

**IN THE MATTER OF
MICHELLE MARIE SCOTT
f/k/a Michelle Marie Payne**

License No. 24-35636-061

Case No. 2022-112-6

CONSENT AGREEMENT AND FINAL ORDER

The Kansas State Board of Nursing, represented by Assistant Attorney General, William J. Skepnec, and the Respondent, Michelle Marie Scott, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent has filed an application to reinstate her license to practice nursing in the State of Kansas. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent understands that he or she may be represented at Respondent's expense by an attorney during these proceedings.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Board has the authority under K.S.A. 74-1106 et seq. to examine, license and renew licenses for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy

administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120 is established.

5. The role of the Board is to protect citizens of Kansas.
6. Respondent has the right to a hearing with evidence and witnesses and to seek review of the findings from that hearing in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions.
Respondent is waiving those rights and voluntarily entering into this agreement instead of proceeding to such a hearing.
7. By entering into this Consent Agreement and consenting to the entry of the Final Order, both parties waive their right to full administrative proceedings pursuant to K.S.A. 65-1120 and K.S.A. 77-501 et seq. and to judicial review.

AGREED FINDINGS OF FACT

8. The Respondent stipulates to the following facts:
9. On or about December 19, 2006, the Board issued Respondent a license to practice nursing in the State of Kansas.
10. On or about June 30, 2019, Respondent's Kansas license lapsed.
11. On or about January 6, 2021, Respondent entered into a Consent Agreement with the Alaska State Board of Nursing ("Agreement").
12. In the Agreement, Respondent stipulated to certain facts and violations of Alaska statutes.
13. Among other requirements, Respondent agreed to probation, and quarterly employer reports for the term of her probation. Respondent has not completed any of the eight (8) required quarterly employer reports.

14. The agreement required that Respondent's 2-year probationary period would not run if Respondent was not a resident of the State.
15. On or about January 11, 2022, Respondent filed an application to reinstate her Kansas license.

CONCLUSIONS OF LAW

16. The Respondent stipulates that, based upon the above agreed findings of fact, that he or she has violated the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(9), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

DISPOSITION

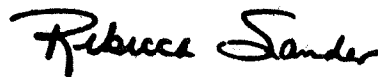
17. If Respondent has met all other licensing requirements, the Board will **APPROVE** Respondent's application to reinstate her Kansas license and will not take additional disciplinary action for the violations stated above, as long as Respondent completes each of the following conditions and requirements:
 - a. The Respondent shall immediately inform all employers and prospective employers of this Consent Agreement and the Final Order. This requirement shall last until such time as the Board inactivates this case as set out below.

- b. Respondent submit shall eight (8) Quarterly Employer Reports. Quarterly Performance Reports shall comply to the following guidelines included in this Consent Agreement and Final Order.
 - c. Respondent shall send a money order for \$100.00 to the Board upon entering into this agreement to pay the cost of this action.
 - d. Respondent shall not violate the Kansas Nurse Practice Act during the duration of this agreement.
 - e. Respondent shall not violate the laws of the United States, or State, or of any political subdivision of any State during the term of this agreement. Traffic infractions shall not be considered violations of the law.
18. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that this Consent Agreement and Final Order will continue through any renewal periods of Respondent's nursing license until respondent completes each of the conditions and requirements of this agreement. Further, the parties agree that in the event of a lapse of Respondent's nursing license, reinstatement of Respondent's nursing license shall be contingent upon this Consent Agreement and Final Order remaining in effect until Respondent completes each of the conditions and requirements of this agreement.
19. Respondent acknowledges and agrees that Respondent is responsible for the costs related to satisfying the conditions and requirements of this Consent Agreement and Final Order. Respondent further acknowledges and agrees that to provide the Board with false information regarding compliance with this Consent Agreement is a violation of this Consent Agreement and Final Order.

20. If Respondent does not meet these conditions and requirements, the Board may request additional sanctions against Respondent's license or application for a license.
- Respondent would be sent notice of such action and would be entitled to a hearing as to whether Respondent had complied with this Consent Agreement and Final Order, but Respondent could not contest the facts or violations listed in this agreement.
21. All parties understand that if an action based on failure to meet the conditions and requirements of this Consent Agreement and Final Order is filed, K.S.A. 77-531 requires the Notice of Hearing to be served upon the Respondent and the Respondent's attorney of record, if any. All parties agree that only serving the Notice of Hearing upon the Respondent will be proper service and it is the Respondent's responsibility to contact his or her attorney, if any, in reference to the action.
22. The Board will inactivate this case file once respondent satisfies this agreement. This agreement does not prohibit the agency from taking disciplinary action against Respondent's license for any additional or cumulative violation of the Kansas Nurse Practice Act committed by the Respondent before or after this agreement is entered into.
23. This agreement is a discipline and must be reported on any future renewal or reinstatement applications. The original of this agreement shall be placed in the Agency Record. This Agreement is a public record and will be reported to national disciplinary data banks.
24. After successful completion of all the conditions and requirements of this Consent Agreement and Final Order by the respondent, the Consent Agreement will be satisfied, and the case will be inactivated.

25. By signing this Consent Agreement and Final Order, Respondent acknowledges that Respondent has read and understands the entire document and agrees to be bound by its terms. This Consent Agreement and Final Order constitute the entire agreement of the parties and may not be modified except in writing and approved by all parties. The effective date of this Consent Agreement and Final Order is the date shown on the certificate of service.
26. The presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders.
27. Disciplinary counsel shall serve a copy of this order upon the respondent.

IT IS SO ORDERED.



Rebecca Sander, MSN RN
Presiding Officer
Investigative Committee Chair

Kansas State Board of Nursing

APPROVED BY:

Michelle Marie Scott 5.25.2022
Michelle Marie Scott, **Respondent**

WJS
William J, S. Ct. No. 25470
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE

On the 2nd day of June, 2022, I mailed a copy of this **CONSENT AGREEMENT AND FINAL ORDER** to:

Michelle M. Scott
112 E. Quincy St., #6
Pittsburg, KS 66762
Respondent

and

Danielle Sanger, Esq.
dsanger@sangerlawoffice.com
Attorney for Respondent



William J. Skepnek
Assistant Attorney General

Quarterly Performance Report General Instructions

The nurse is responsible to arrange for his or her employer to submit quarterly reports to the Board, when the nurse is employed in a position where a nursing license is required.

The report should be sent to:

Legal Department
Kansas State Board of Nursing
900 SW Jackson, Suite 1051
Topeka, KS 66612-1230

Reports are due on the 10th day of each of the months of January, April, July and October, to begin the first such month that occurs after the effective date of the agreement or order, and continuing until all required separate quarterly reports have been received.

The report shall be prepared and signed by the nurse's immediate supervisor who evaluates nurse's performance on a regular basis.

If the nurse is not employed in a position that utilizes his or her nursing license, the nurse will provide a signed statement to that effect, and which will be due on the same quarterly basis as the employer reports described above. These signed statements will not count towards the Quarterly Performance report requirement.

Coordinator: _____

KS Board of Nursing Work Performance Evaluation

Participant: _____ Position Title: _____

Month(s) Year Evaluated: _____, _____ Date of Hire: _____
_____ Licensee's is a participant in the (check one) ☐ Alternative Program for

Chemical Dependency

☐ Chemical Dependency Discipline Program ☐ Probation License – Drug Screening

As a condition, Work Performance Evaluations completed by the clinical supervisor are due as scheduled to:

Compliance Coordinator
900 SW Jackson, Ste 1051 Topeka, KS 66612-1230
Fax: 785-296-3929

Clinical Supervisor: _____

Phone(s): _____ Email: _____

Facility: _____ Unit: _____

Status (check one): ☐ Part-Time ☐ Full-Time ☐ PRN

Shift (check all that apply): ☐ Days ☐ Evenings ☐ Nights ☐ Rotate

Hours Worked Per Week: _____ **Must average 64h worked per month for work to satisfy conditions of program.*

Quality of work: ☐ Satisfactory ☐ Needs improvement* ☐ Unsatisfactory*

*Please explain: _____

Does the Licensee administer or have access to controlled substances? ☐ YES ☐ NO

If YES, have there been errors or discrepancies? ☐ YES ☐ NO

If YES, please explain: _____

To the best of your knowledge, since the last evaluation, has the nurse: - Changed Work Location
☐ ☐ NO

- Changed Shift ☐ YES ☐ NO

- Changed Hours Scheduled ☐ YES ☐ NO

- Changed Position ☐ YES ☐ NO

- Changed Supervisor ☐ YES ☐ NO

- Used drugs or alcohol ☐ YES ☐ NO

- Been counseled (including conference, oral or written) ☐ YES ☐ NO

If YES to any of the above, please explain and provide copy of counseling (if applicable):

Are you aware of the reasons the KS Board of Nursing is requiring evaluations? ☐ YES ☐ NO

(Signature and Title of Approved Clinical Evaluator)

Date